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11 Attorneys for Plaintiffs
12 JAREK MOLSKI
13 and DISABILITY RIGHTS
14 ENFORCEMENT, EDUCATION,
15 SERVICES: HELPING YOU
16 HELP OTHERS
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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA

23 JAREK MOLSKI, an individual; and) CASE NO. C04-4382 RS
24 DISABILITY RIGHTS ENFORCEMENT,)
25 EDUCATION, SERVICES:HELPING)
26 YOU HELP OTHERS, a California public)
27 benefit corporation,)
28 Plaintiffs,)
v.)
KATY'S PLACE; ARICAN, a California)
Limited Partnership,)
Defendant.)

29 Plaintiffs JAREK MOLSKI, an individual; and DISABILITY RIGHTS
30 ENFORCEMENT, EDUCATION SERVICES: HELPING YOU HELP OTHERS, a
31 California public benefit corporation, through their undersigned counsel, and defendants
32 KATY'S PLACE; ARICAN, a California Limited Partnership, through their undersigned
33 counsel, stipulate to the conditional dismissal of this action in its entirety with prejudice
34 pursuant to Fed.R.Civ.P.41(a)(1) to the right, upon good cause shown within 30 days, to
35 reopen this action if settlement is not consummated. Outside of the terms of the Settlement
36 Agreement and General Release ("Agreement"), each party is to bear its own costs and
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39 STIPULATION OF CONDITIONAL DISMISSAL AND ~~[PROPOSED]~~ ORDER THEREON

1 attorneys' fees. The parties further consent to and request that the Court retain jurisdiction
2 over enforcement of the Agreement. *See Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375
3 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement
4 agreements).

5 Therefore, IT IS HEREBY STIPULATED by and between parties to this action
6 through their designated counsel that the above-captioned action be and hereby is dismissed
7 with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1) to the right, upon
8 good cause shown within 30 days, to reopen this action if settlement is not consummated.

9 This stipulation may be executed in counterparts, all of which together shall constitute
10 one original document.

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12 Dated: June 6, 2006

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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By: /s/

Julia M. Adams

15 Attorneys for JAREK MOLSKI and
16 DISABILITY RIGHTS ENFORCEMENT,
17 EDUCATION SERVICES:HELPING YOU HELP
OTHERS

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Dated: June 6, 2006

DeVRIES LAW GROUP

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By: /s/

Daniel J. DeVries

20 Attorneys for Defendant KATY'S PLACE;
21 ARICAN, a California Limited Partnership

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ORDER

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IT IS SO ORDERED.

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Dated: June 6, 2006



Hon. Richard Seeborg
United States Magistrate Judge

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STIPULATION OF CONDITIONAL DISMISSAL AND [PROPOSED] ORDER THEREON